

House File 2123 - Introduced

HOUSE FILE 2123

BY KAUFMANN

A BILL FOR

1 An Act relating to the spaying and neutering of pets, by
2 establishing a board and fund, providing for an income tax
3 checkoff, providing for special motor vehicle registration
4 plates, establishing fees, and making appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 162A.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Animal shelter*" means an animal shelter which operates
5 pursuant to a certificate of registration issued or renewed by
6 the department pursuant to section 162.2A.

7 2. "*Board*" means the spay and neuter board created pursuant
8 to section 162A.2.

9 3. "*Department*" means the department of agriculture and land
10 stewardship.

11 4. "*Fund*" means the spay and neuter fund created pursuant
12 to section 162A.6.

13 5. "*Pet*" means a dog or cat.

14 6. "*Secretary*" means the secretary of agriculture.

15 Sec. 2. NEW SECTION. 162A.2 Creation, mission, department
16 of agriculture and land stewardship.

17 1. A spay and neuter board is created.

18 2. The board's mission shall be to plan, develop, implement,
19 administer, and evaluate a statewide strategy for the humane
20 control of pet populations, including by supporting the
21 increased use of spaying and neutering.

22 3. The board shall be located in the department of
23 agriculture and land stewardship. The department shall provide
24 office space, administrative functions, and necessary supplies
25 and equipment. The department may charge the board reasonable
26 expenses for performing administrative functions. This
27 chapter shall not be interpreted to authorize the department's
28 supervision, control, or oversight of the board.

29 Sec. 3. NEW SECTION. 162A.3 Appointment and procedures.

30 1. The membership of the board shall be composed of five
31 individuals appointed by the secretary as provided in this
32 section.

33 2. The board memberships must include all of the following:

34 a. An employee of the department.

35 b. A member of the Iowa federation of humane societies.

1 *c.* A member of the Iowa veterinary medical association.

2 *d.* A member of the animal rescue league of Iowa.

3 *e.* A member of the public who has demonstrated an active
4 interest in animal welfare.

5 3. Members of the board shall serve three-year staggered
6 terms beginning and ending as provided in section 69.19.

7 However, the member who is an employee of the department shall
8 serve at the pleasure of the secretary.

9 *a.* A member is eligible for reappointment.

10 *b.* A vacancy on the board shall be filled for the unexpired
11 portion of the regular term in the same manner as regular
12 appointments are made. The secretary may remove an individual
13 from the board for misfeasance, malfeasance, willful neglect of
14 duty, or other just cause, after notice and hearing, unless the
15 notice and hearing is expressly waived in writing.

16 4. The board shall elect a chairperson from among its
17 members each year on a rotating basis as provided by the board.

18 5. The board shall meet on a regular basis and at the
19 call of the chairperson or upon the written request to the
20 chairperson of any three members.

21 6. Three members constitute a quorum and the affirmative
22 vote of a majority of the members present is necessary for any
23 substantive action to be taken. However, a lesser number may
24 adjourn a meeting. A majority shall not include any member
25 who has a conflict of interest, and a statement by a member
26 that the member has a conflict of interest is conclusive for
27 this purpose. A vacancy in the membership does not impair the
28 duties of the board.

29 7. A member is entitled to receive reimbursement for actual
30 expenses incurred while engaged in the performance of official
31 duties. A member is not eligible to receive compensation or an
32 additional expense allowance provided in section 7E.6.

33 Sec. 4. NEW SECTION. 162A.4 Powers.

34 1. The spay and neuter board shall have all powers necessary
35 to administer this chapter, including but not limited to all

1 of the following:

2 *a.* Authorize payments from the spay and neuter fund.

3 *b.* Contract, sue and be sued.

4 *c.* Establish and collect fees.

5 *d.* Accept gifts, grants, and donations, including moneys or
6 services.

7 2. The board shall not in any manner, directly or
8 indirectly, pledge the credit of the state.

9 Sec. 5. NEW SECTION. 162A.5 Duties.

10 The spay and neuter board shall do all of the following:

11 1. Develop, establish, and manage initiatives, including
12 but not limited to plans, practices, events, projects, or
13 programs that further its mission as provided in section
14 162A.2. The board shall to every extent practical cooperate
15 with interested persons, including but not limited to
16 veterinarians, animal shelters, local communities, state
17 agencies, and interested individuals and organizations.

18 2. Manage moneys available to or accepted by the board under
19 this chapter, including moneys deposited in the fund.

20 3. Adopt rules necessary to administer this chapter.

21 4. Submit an annual report to the general assembly on or
22 before January 15 of each year. The report shall summarize
23 board activities, the expenditure of moneys in the fund, and
24 any recommendations that could further the board's mission as
25 provided in section 162A.2.

26 Sec. 6. NEW SECTION. 162A.6 Spay and neuter fund.

27 1. A spay and neuter fund is created in the state treasury
28 under the control of the spay and neuter board.

29 2. The fund consists of moneys appropriated to the fund by
30 the general assembly, moneys credited to the fund from moneys
31 generated under section 422.12G and section 321.34, subsection
32 11C, and other moneys available to and obtained or accepted by
33 the board from public or private sources.

34 3. *a.* Notwithstanding section 12C.7, interest or earnings
35 on moneys in the fund shall be credited to the fund.

1 **b.** Notwithstanding section 8.33, moneys credited to the fund
2 that remain unexpended or unobligated at the end of a fiscal
3 year shall not revert to any other fund.

4 **4.** Moneys in the fund are appropriated to the board and
5 shall be used exclusively to carry out the provisions of this
6 chapter as determined and directed by the board.

7 **Sec. 7.** Section 321.34, Code 2014, is amended by adding the
8 following new subsection:

9 **NEW SUBSECTION.** 11C. *Spay and neuter plates.*

10 **a.** Upon application and payment of the proper fees, the
11 director may issue "spay and neuter" plates to the owner of a
12 motor vehicle subject to registration under section 321.109,
13 subsection 1, motor truck, motor home, multipurpose vehicle,
14 motorcycle, trailer, or travel trailer.

15 **b.** Spay and neuter plates shall be designed by the
16 department in cooperation with the spay and neuter board
17 created pursuant to section 162A.6.

18 **c.** The special fee for letter-number designated spay and
19 neuter plates is thirty-five dollars. The fee for personalized
20 spay and neuter plates is twenty-five dollars, which shall
21 be paid in addition to the special spay and neuter fee of
22 thirty-five dollars. The fees collected by the director under
23 this subsection shall be paid monthly to the treasurer of state
24 and deposited in the road use tax fund. The treasurer of state
25 shall transfer monthly from the statutory allocations fund
26 created under section 321.145, subsection 2, to the spay and
27 neuter fund created in section 162A.6 the amount of the special
28 fees collected in the previous month for the spay and neuter
29 plates.

30 **d.** Upon receipt of the special registration plates, the
31 applicant shall surrender the current registration plates to
32 the county treasurer. The county treasurer shall validate
33 the special registration plates in the same manner as regular
34 registration plates are validated under this section. The
35 annual special spay and neuter fee for letter-number designated

1 plates is ten dollars, which shall be paid in addition to
2 the regular annual registration fee. The annual fee for
3 personalized spay and neuter plates is five dollars, which
4 shall be paid in addition to the annual special spay and neuter
5 fee and the regular annual registration fee. The annual spay
6 and neuter fee shall be credited as provided under paragraph
7 "c".

8 Sec. 8. Section 321.145, subsection 2, paragraph b,
9 subparagraph (3), Code 2014, is amended to read as follows:

10 (3) The amounts required to be transferred pursuant to
11 section 321.34 from revenues available under this subsection
12 shall be transferred and credited as provided in section
13 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 11C, 13, 16, 17,
14 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26 for the
15 various purposes specified in those subsections.

16 Sec. 9. NEW SECTION. **422.12G Income tax checkoff for**
17 **spaying and neutering pets.**

18 1. A person who files an individual or a joint income tax
19 return with the department of revenue under section 422.13 may
20 designate one dollar or more to be paid to the spay and neuter
21 fund established in section 162A.6. If the refund due on the
22 return or the payment remitted with the return is insufficient
23 to pay the amount designated by the taxpayer to the foundation
24 fund, the amount designated shall be reduced to the remaining
25 amount of the refund or the remaining amount remitted with the
26 return. The designation of a contribution to the spay and
27 neuter fund under this section is irrevocable.

28 2. The department of revenue shall draft the income tax
29 form to allow the designation of contributions to the spay and
30 neuter fund on the tax return. The department, on or before
31 January 31, shall transfer the total amount designated on the
32 tax form due in the preceding year to the spay and neuter fund.

33 3. The board shall adopt rules to administer this section.
34 However, before a checkoff pursuant to this section shall be
35 permitted, all liabilities on the books of the department of

1 administrative services and accounts identified as owing under
2 section 8A.504 and the political contribution allowed under
3 section 68A.601 shall be satisfied.

4 Sec. 10. APPOINTMENTS. In making appointments to the spay
5 and neuter board as created in section 162A.2, as enacted in
6 this Act, the secretary of agriculture shall appoint a number
7 of initial members to serve for less or more than three years
8 to ensure that members serve staggered terms.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 GENERAL. This bill creates a spay and neuter board (board).
13 Its mission is to plan, develop, implement, administer, and
14 evaluate a statewide strategy for the humane control of pet
15 populations, including by supporting the increased use of
16 spaying and neutering. The board is housed in the department
17 of agriculture and land stewardship (DALs).

18 BOARD. The bill provides that the board includes an employee
19 of the department and four additional members appointed by the
20 secretary of agriculture. The members must have an interest
21 in the humane treatment of pets (dogs and cats). The board is
22 provided all powers necessary to carry out its mission. It
23 is required to cooperate with interested persons, including
24 but not limited to veterinarians, animal shelters, local
25 communities, state agencies, and interested individuals and
26 organizations. It must also submit an annual report to the
27 general assembly summarizing the board's activities.

28 FUND. The bill creates a spay and neuter fund (fund)
29 under the control of the board. The fund consists of moneys
30 appropriated to the fund by the general assembly and other
31 moneys available to and obtained or accepted by the board from
32 public or private sources. The auditor conducts an annual
33 audit of the fund.

34 REVENUE — INCOME TAX CHECKOFF. The bill provides that a
35 person who files an individual or a joint income tax return

1 with the department of revenue may designate \$1 or more to be
2 paid to the fund. Generally, not more than four income tax
3 return checkoffs are allowed on each income tax return. When
4 the same four income tax return checkoffs have been provided
5 on the income tax return for two consecutive years, the two
6 checkoffs having generated the least amount of contributions
7 are automatically repealed (Code section 422.12E).

8 REVENUE — SPAY AND NEUTER LICENSE PLATES. The department
9 of transportation (DOT) is required to issue special spay
10 and neuter plates to the owners of motor vehicles subject to
11 registration, motor trucks, motor homes, multipurpose vehicles,
12 motorcycles, trailers, and travel trailers. The plates must
13 be designed by DOT in cooperation with the board. The initial
14 fee for a letter-number plate is \$35 and the initial fee for a
15 personalized plate is \$60. The annual special fees for renewal
16 of the special plates are \$10 for letter-number plates and \$15
17 for personalized plates. The moneys collected by the treasurer
18 of state are also transferred to the fund.